IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.842 OF 2006
WITH
CIVIL APPLICATION NO.1160 OF 2006

Mr.Ritesh G. Nayyar. ..Appellant.

V/s.

Federation of Western India
Cine Employees. ..Respondent.

Mr.A.M.Saraogi for appellant.

Mr.Rajendra Misra for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 12, 2007.

P.C. :

1. Heard counsel for the parties.

2. I am in agreement with the opinion expressed by the trial Court, particularly in paragraph-7 of the Judgment under challenge that in absence of appropriate pleadings to make out prima facie case that defendant or any other persons were trying to interfere with release of the film, question of grant of interim protection to the plaintiff cannot be considered. Accordingly, this appeal should fail.

3. The counsel for the appellant however,

submits that the appellant be permitted to approach the trial Court for amending the plaint and to apply for interim relief afresh. If application for amendment of the plaint is made, the trial Court may consider that application on its own merits in accordance with law.

4. Appeal as well as civil application disposed of on the above terms.